

"An Act to regulate the sale of poisons, providing for marking and designating the packages or containers, and for the registration of the name and address of the purchaser; requiring that all records be kept in well-bound books, separate from all other records, to be designated 'Record of Poison Sales'; designating what poisons are meant; prescribing a penalty for violations of this Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

McNEALUS, Chairman.

#### Enrolling Committee Reports.

Committee Room,  
Austin, Texas, Sept. 28, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 36, and find the same correctly enrolled, and have this day at 10:59 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

Committee Room,  
Austin, Texas, Sept. 28, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Concurrent Resolution No. 6, copy of which accompanies this report, and find the same correctly enrolled, and have this day at 3:15 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Henderson. S. C. R. No. 6.

Be it resolved by the Senate, the House of Representatives concurring, That the President of the Senate appoint two members and the Speaker of the House of Representatives appoint two members for the purpose of and with instructions to investigate as to the cost of having a number of copies of the record of proceedings taken upon the impeachment trial of Governor Ferguson printed and bound, and that they recommend back to the Senate the

cost of such printing and the advisability of having same printed and the number to be printed.

#### TWENTY-FOURTH DAY.

Senate Chamber,  
Austin, Texas,  
Saturday, Sept. 29, 1917.

The Senate met at 9 o'clock a. m., pursuant to adjournment, and was called to order by President Dean.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McCollum.
Caldwell.	McNealus.
Clark.	Page.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Strickland.
Floyd.	Suiter.
Gibson.	Westbrook.
Harley.	Woodward.
Henderson.	

Absent.

Johnston of Harris.

Absent—Excused.

Hall.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Alderdice.

#### Petitions and Memorials.

See Appendix.

#### Committee Reports.

See Appendix.

#### Bills and Resolutions.

There were none today.

#### Senate Bill No. 27—Free Conference Committee Report Adopted.

Senator Bailey called up from the table and the Chair laid before the

Senate the Free Conference Committee report on Senate Bill No. 27 (See Journal of yesterday, page 1064, for the report in full).

The report was read and on motion of Senator Bailey the Senate adopted the same.

### House Bill No. 63.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

H. B. No. 63, A bill to be entitled "An Act to amend Chapter 5 of the Acts of the First Called Session of the Thirty-fifth Legislature, being 'An Act making an appropriation of seven hundred and fifty thousand dollars or so much thereof as may be necessary out of the general revenue or any other available funds, for the purpose of providing for the pay, transportation, subsistence and all other expenses of the military forces of the State when ordered on duty or when mobilized or when recruiting and organizing troops or when ordered in other military duties; etc., and declaring an emergency.'"

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Suiter, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 63 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Collins.	Parr.
Dayton.	Robbins.
Dean.	Smith.
Decherd.	Suiter.
Floyd.	Westbrook.
Gibson.	

Absent.

Clark.	Page.
Harley.	Strickland.
Johnston of Harris.	Woodward.
McNealus.	

Absent—Excused.

Hall.

The bill was laid before the Senate, read third time and, on motion of Senator Suiter, was passed finally.

Senator Suiter moved to reconsider the vote by which the bill was passed and table the motion to reconsider.

The motion to table prevailed.

### Simple Resolution No. 31.

Austin, Texas, Sept. 28, 1917.

Hon. W. L. Dean, President of the Senate.

We move that when this Senate adjourns today, that we do so in honor of the brave American soldiers and sailors who have fallen during the great world war. Some of these have given up their lives in camp, in training, and others in hospitals and on the battle front. Wherever our boys have fallen, we recognize that they were under the flag of our country and their memory deserves the eulogy of all our brave and loyal citizens; therefore we hasten to do them this honor as we pass from this Chamber today.

SMITH,  
ROBBINS.

The resolution was read and adopted by rising vote.

### Simple Resolution No. 32.

Resolved that Mrs. E. E. Little and Mrs. Stelfox, the mailing clerk and the assistant mailing clerk, be paid for two day's work at \$5.00 per day for mailing out the last day's Journal.

CALDWELL.

The resolution was read and adopted.

### Simple Resolution No. 33.

Whereas, during the sessions of the Senate sitting as a High Court of Impeachment, the labors of this body have been very greatly facilitated and expedited by the very prompt and efficient manner in which the daily proceedings have

## Simple Resolution No. 30.

By Hudspeth.

Whereas, The Hon. W. L. Dean has presided over the Third Called Session of the Thirty-fifth Legislature with fairness, impartiality, with dignity, with credit to himself, entire Senate and the great Democratic constituency that sent him here;

Whereas, In the most stressing times he has decided all questions that have been put up to the Chair with an eye single only to the rules of this Senate, the Constitution and laws of the State; therefore, be it

Resolved, That the Senate of Texas express to Senator Dean a vote of thanks, and that this resolution be given a separate page in the Senate Journal, and that a copy of same be sent by the Secretary of the Senate, to Mrs. W. L. Dean at Huntsville, Texas; and also a copy be sent to the local papers in the city of Huntsville.

(Signed)

Hudspeth.	Collins.	Hopkins.	Robbins.
Alderdice.	Dayton.	Johnson of Hall.	Smith.
Bailey.	Decherd.	Johnston of Harris.	Strickland.
Bec.	Floyd.	Lattimore.	Sulter.
Buchanan of Bell.	Gibson.	McCollum.	Westbrook.
Buchanan of Scurry.	Hall.	McNealus.	Woodward.
Caldwell.	Harley.	Page.	
Clark.	Henderson.	Parr.	

Senator Hudspeth moved the adoption of the resolution and spoke briefly in support of same.

Senator Lattimore offered the following in support of the resolution:

That his children, and their children may read it with pride in the coming days when peace shall have again come to our nation and our State, we wish to say that in Hon. W. L. Dean, as presiding officer of the Third Called Session of the Thirty-fifth Senate; during the impeachment trial of Jas. E. Ferguson, we had a just judge, a fair man, a wise chancellor, a fearless man in the Chair. We honor him more than we can say.

LATTIMORE, Thirtieth District.

The resolution was read and adopted by unanimous vote of the Senate, and ordered to be given a full page in the Journal.

been recorded and furnished to the members;

Therefore, be it Resolved that the Senate of Texas extend its thanks and congratulations to Messrs. H. L. Gazley, George Bell, Harry P. Bickler and Charles Pickle for their very excellent work in reporting the daily proceedings, and also to the Secretary and Journal Clerk of the Senate, and to Messrs. A. C. Baldwin and Sons, who have printed the Journal, and placed same on the desks of every member before convening of court daily.

SUITER.

The foregoing resolution was read and adopted unanimously.

#### Investigation Committee Named.

The Chair announced the appointment of the following members of the Investigating Committee under Senate Resolution No. 18: Westbrook, Clark, Lattimore, Decherd, Alderdice, Hopkins, McNealus, Hudspeth, Strickland, Buchanan of Scurry.

#### Message from the House.

Hall of House of Representatives,  
Austin, Texas, Sept. 29, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted,

H. C. R. No. 3, providing for the printing of the impeachment proceedings.

Respectfully,

ED. GRAHAM.

Acting Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Sept. 29, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 64, A bill to be entitled "An Act to create a more efficient road law for Trinity County; giving to each road district and justice's precinct of said county the control of its roads and bridges and of its road and bridge moneys; defining the words roads and bridge moneys as used in this law; creating a local board of road commissioners

for each road district and justice's precinct of said county, etc. etc., and declaring an emergency."

Respectfully,

T. B. REESE,

Acting Chief Clerk of House of Representatives.

#### Motion to Postpone Bills.

Senator Clark moved to postpone indefinitely all bills now on the President's table. The bills were House Bill No. 49 by Swope et al.; House Bill No. 36 by Schlesinger; House Bill No. 62 by Terrell and House Bill No. 64.

The motion to postpone indefinitely prevailed.

#### Bills Signed.

The Chair, President Dean, gave notice of signing and did sign, in the presence of the Senate after their captions had been read the following bills:

S. B. No. 38, A bill to be entitled "An Act to amend Article 598 of Chapter 8, Title 11, of the Revised Penal Code of the State of Texas, and Article 5716, Title 88 of the Revised Statutes of the State of Texas, so as to permit the sale in any county or subdivision thereof, or any city or town in which the sale of intoxicating liquor has been prohibited, of wines for sacramental purposes and of alcoholic stimulants for medicinal purposes, and so as to permit the sale of ethyl alcohol by wholesale druggists to retail druggists; and declaring an emergency."

S. B. No. 39, A bill to be entitled, "An Act to amend Sections 6 and 7 of Chapter 31, of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas, which Act was entitled, 'Intoxicating liquor—Prohibiting the shipment of same into prohibition territories,' prohibiting any person, firm or corporation from soliciting or taking orders in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote prohibited the sale of intoxicating liquors; providing, however, that nothing in said Act shall make it unlawful for any person, firm or corporation licensed under the laws of the State of Texas to sell ethyl alcohol to the owner, proprietor, agent or employe of retail drug

stores, to take orders for ethyl alcohol, when such sales are made in compliance with the laws of this State and providing that it shall not be unlawful for intoxicating liquors to be received for the use of his, their or its business only, by any drug stores in which drugs are compounded and employing a registered pharmacist, or by any educational or eleemosynary institution, or by any public or private hospital, or by any manufacturer or the owner or proprietor of any manufacturing establishment, or by any person, firm or corporation engaged in the wholesale drug business; and declaring an emergency."

S. B. No. 40, A bill to be entitled "An Act to amend Chapter 6 of Title 126 of the Revised Statutes of the State of Texas, which chapter provides for a tax on intoxicating liquors in local option territory, so as to add thereto Article 7475a, which added article provides that the preceding articles of said chapter shall not apply to the sales of ethyl alcohol in quantities of one gallon or more by persons, firms or corporations engaged in the wholesale drug business to any owner, proprietor, agent or employe or of any retail drug store in which drugs are compounded and employing a registered pharmacist where such sales are made for the purpose of being used in said retail drug business, and levying a tax and providing for the procuring of a license by such person, firm or corporation engaged in used in said retail drug business, and located within any territory where local option is in force, before making such sales, and providing regulations for the issuance of such licenses; and declaring an emergency."

#### Election of President Pro Tempore.

The work of the third called session of the Thirty-fifth Legislature having been completed, Senator Westbrook secured recognition from the Chair and placed in nomination for President Pro Tempore for the interim between the adjournment of this session and the convening of another session Senator W. A. Johnson of Hall County.

Senator Clark seconded the nomination.

Senator Strickland placed in nom-

ination for that place, Senator J. M. Alderdice of Ellis County.

There being no other nominations the Chair appointed as tellers to count the vote, Senators Lattimore, Buchanan of Bell and Smith.

Senator Johnson received a majority of all votes cast and was declared to be duly and constitutionally elected President Pro Tempore ad interim of the Thirty-fifth Legislature to serve until the convening of another session.

Senators Westbrook, Clark, and Lattimore were appointed as a committee to escort Senator Johnson of Hall to the President's Chair, whereupon he took the constitutional oath of office administered by President Pro Tem. Dean.

Being presented to the Senate by the Chair, President Pro Tem. Johnson addressed the Senate.

(President Pro Tem. ad interim, Johnson in the chair.)

#### Simple Resolution No. 34.

Whereas, the beautiful Cape Jasamines, Rose Geraniums—not "wall flowers" as one distinguished member of this body in a misguided moment to put a Chautative construction on his statement, denominated them,—the young lady stenographic force have at all times been courteous and attentive to their duties,

Therefore, be it resolved, that the Senate of Texas express the thanks of this body to each and every one of these young ladies.

HUDSPETH.

The resolution was read and adopted.

#### Investigation Committee Vacancies.

I move that the Chair be authorized to fill any vacancies that may occur in the Committee of Senators appointed to make investigation of public institutions and State Departments.

McNEALUS.

The motion was read and adopted.

#### Message from the Governor.

At this time a messenger from the Governor appeared at the bar of the Senate with an executive



message and the same was laid before the Senate and read by the Secretary as follows:

Governor's Office.

Austin, Texas, Sept. 28, 1917.

To the Senate of Texas:

Attached hereto are thirty lists of nominees and their addresses, numbered one to thirty. I ask the advice, consent and confirmation of the Senate in these nominations for the office of notaries public in the counties indicated.

Respectfully submitted,

W. P. HOBBY,  
Governor of Texas.

Note—The names of the notaries public above referred to will be found in the list of confirmations by the Senate in executive session hereinafter shown.

Senator Westbrook moved that the nominations of notaries public today submitted by the Governor, be considered by the Senate in executive session today.

The motion prevailed.

#### Executive Session.

The Chair, President Pro Tem. Johnson, here announced that the hour heretofore designated by the Senate for executive session had arrived, and directed the Sergeant-at-Arms to clear the Chamber of all persons not entitled to remain, which was accordingly done and the Senate proceeded to executive session.

The Secretary reports to the Journal Clerk that the following confirmations were made:

Hon. J. A. Harley of Guadalupe County to be Adjutant General of the State of Texas.

The following are the appointments of notaries public for the various counties of the State as submitted by the Governor and this day confirmed by the Senate in executive session.

#### FIRST DISTRICT.

##### Bowie, County.

Manglesdorff, Mrs. Primrose, . . . . .  
 . . . . . Texarkana

#### SECOND DISTRICT.

##### Delta County.

Berry, Chas. D., . . . . . Cooper  
James, L. L., . . . . . Cooper  
Martin, W. C., . . . . . Yowell

##### Hopkins County.

Minter, J. P., . . . . . Como

##### Red River County.

Johnson, John R., . . . . . Clarksville

##### Franklin County.

Castle, W. P., . . . . . Mt. Vernon

#### THIRD DISTRICT.

##### Lamar County.

Cothran, Cyrus W., . . . . . Paris  
Perfect, O. S., . . . . . Paris

##### Fannin County.

Davis, T. W., . . . . . Bonham  
Hendricks, A. M., . . . . . Bonham  
Johnson, S. N., . . . . . Bonham  
Hall, E. K., . . . . . Honey Grove

#### FOURTH DISTRICT.

##### Cooke County.

Veath, Miss Lillie, . . . . . Gainesville

#### FIFTH DISTRICT.

##### Hunt County.

England, C. T., . . . . . Commerce  
Fanning, J. M., . . . . . Greenville  
Randle, Lena, . . . . . Greenville  
Tisdale, J. M., . . . . . Greenville  
Ward, J. R., . . . . . Greenville  
Malone, Luke, . . . . . Wolfe City

##### Collin County.

Rees, J. L., . . . . . Lavon  
Wilkinson, A. D., . . . . . Allen

#### SIXTH DISTRICT.

##### Dallas County.

Allen, Miss Florine, . . . . . Dallas  
Bell, J. B., . . . . . Dallas  
Carnes, R. W., . . . . . Dallas  
Collins, J. J., . . . . . Dallas  
Dealey, Geo. W., . . . . . Dallas  
Echols, M. M., . . . . . Dallas  
Fishburn, S. A., . . . . . Dallas  
Forrester, W. O., . . . . . Dallas

Hailey, T. B.,.....Dallas  
 Hardin, Mrs. B. H.,.....Dallas  
 Henry, W. T.,.....Dallas  
 Hopkins, Reba.....Dallas  
 Hopkins, Mrs. Mary,.....Dallas  
 Kidd, L. O.,.....Dallas  
 Ledbetter, James C.,.....Dallas  
 McNeny, F. F.,.....Dallas  
 Overton, Miss Ivor,.....Dallas  
 Patrick, Fred,.....Dallas  
 Roemer, Bernard J.,.....Dallas  
 Roemer, Bernard J.,.....Dallas  
 Smith, Miss Ollie,.....Dallas  
 Smith, R. K.,.....Dallas  
 Stewart, E. G.,.....Dallas  
 Storey, Fletcher B.,.....Dallas  
 Strange, Peter,.....Dallas  
 Thetford, H. M.,.....Dallas  
 Thomas, J. E. W.,.....Dallas  
 Thomas, Ethyle M.,.....Dallas  
 Tubbs, V. T.,.....Dallas  
 Williams, Wade H.,.....Dallas  
 Wood, H. D.,.....Dallas  
 Wood, Robert,.....Dallas

#### SEVENTH DISTRICT.

##### Camp County.

Richardson, A. C.,.....Leesburg

##### Smith County.

Goens, Ernest,.....Lindale  
 Horner, Miss Maude,.....Tyler  
 Humphreys, J. H.,.....Tyler  
 Marwilsky, Edna,.....Tyler  
 Pace, Will D.,.....Troup  
 Wade, Miss Florrie,.....Lindale

##### Upshur County.

Mings, J. M., Jr.,.....Gilmer

##### Van Zandt County.

Blackwell, R. E.,.....Canton

##### Wood County.

Rhymes, J. A.,.....Winnsboro  
 Shipp, W. F.,.....Alba

#### EIGHTH DISTRICT.

##### Rusk County.

Alford, A. O.,.....Overton

##### Gregg County.

Behymer, Abe,.....Longview  
 Denton, T. C.,.....Longview

##### Shelby County.

Stubbs, Lillie.....Center  
 Rhodes, Tom.....Timpson

#### NINTH DISTRICT.

##### Kaufman County.

Davis, P. L.,.....Terrell  
 Thomas, Horace.....Mabank  
 Jones, O. D.,.....Terrell  
 Robinson, J. A.,.....Terrell

#### TENTH DISTRICT.

##### Johnson County.

Ebner, E. H.,.....Cleburne  
 Hudzeitz, Fred W.,.....Cleburne  
 Prestridge, B. Gayle,.....Cleburne  
 Watts, Mrs. Lola,.....Cleburne

##### Ellis County.

Griffin, G. H.,.....Milford

##### Hill County.

Adams, B. V.,.....Blum

#### ELEVENTH DISTRICT.

##### McLennan County.

Cook, R. E.,.....Waco  
 Elkins, Chas. E.,.....Waco  
 Fannin, D. J.,.....Waco  
 Harn, Miss Bird Duen,.....Waco  
 Miller, E. O.,.....Moody  
 Harris, Miss Artie,.....Waco  
 Maxwell, John,.....Waco  
 Edmond, Miss Rose,.....Waco  
 Harris, Albert,.....Waco  
 Walsh, P. F. H.,.....Waco  
 Wilson, J. J.,.....Waco  
 Williamson, W. Bascom,.....West  
 Schaff, Herbert,.....Waco

##### Milam County.

Miller, Wyatt W.,.....Cameron  
 Gibson, B. F.,.....Milano  
 Moore, J. H.,.....Cameron  
 Wooten, W. B.,.....Cameron

##### Falls County.

Andress, Mrs. Annie Lee,.....Marlin

**THIRTEENTH DISTRICT.****Cherokee County.**

Guinn, Charles R. .... Rusk  
Holcomb, Joe. M. .... Alto

**Anderson County.**

White, B. F. .... Palestine

**Angelina County.**

Wynne, M. V. .... Lufkin

**FOURTEENTH DISTRICT.****Jefferson County.**

Steinhagen, D. H. .... Beaumont  
Estep, A. B. .... Beaumont  
Moore, Carlton. .... Beaumont  
Steinhagen, B. A. .... Beaumont

**Hardin County.**

Noble, E. L. .... Sour Lake  
Connolley, M. E. .... Sour Lake

**Tyler County.**

Ogden, W. E. .... Doucette

**Jasper County.**

McKee, A. S. .... Jasper

**FIFTEENTH DISTRICT.****San Jacinto County.**

McClanahan, H. .... Cold Springs

**Leon County.**

Salmons, Chas. A. .... Evansville

**Polk County.**

Martin, C. H. .... Onalaska  
Oates, E. C. .... Buford

**Montgomery County.**

Pace, Maude. .... Jackson

**Walker County.**

Jones, Mrs. E. P. .... Huntsville

**SIXTEENTH DISTRICT.****Harris County.**

Green, Charles D. .... Houston  
Kennedy, Mrs. R. G. .... Houston

Myres, Geo. W. .... Houston  
Monroe, Eva. .... Houston  
Mowery, I. H. .... Houston  
Owen, Mrs. W. A. .... Houston  
Pennington, Ruth. .... Houston  
Palmer, C. W. .... LaPorte  
Taverner, Mrs. L. M. .... Houston  
Taverner, Mrs. L. F. .... Houston

**SEVENTEENTH DISTRICT.****Brazoria County.**

Bouvier, F. A. .... Damon  
Ellis, S. R. .... Damon

**Galveston County.**

Watson, W. H. .... Galveston  
Lockhart, Jno. W. .... Galveston  
Fuller, Aubrey. .... Galveston  
Bryce, J. S. .... Galveston  
Branch, A. .... Norman  
Trout, W. L. .... Galveston

**EIGHTEENTH DISTRICT.****Colorado County.**

Oliphint, T. W. .... Eagle Lake  
Morgan, J. H. .... Eagle Lake

**Fayette County.**

Speckles, A. F. .... La Grange

**Lavaca County.**

Temple, B. L. .... Hallettsville

**NINETEENTH DISTRICT.****Burleson County.**

Kraitchar, T. .... Caldwell

**Bastrop County.**

Andrews, Louise. .... Elgin  
Johnson, Hilding. .... Elgin  
Tarwater, Marjorie. .... Smithville

**TWENTIETH DISTRICT.****Burnet County.**

Dickens, J. W. .... Briggs  
Dillingham, ———. .... Briggs  
Taylor, Q. C. .... Burnet  
Johnson, R. E. .... Burnet  
McCann, R. A. .... Briggs  
Clinkscales, W. E. .... Briggs



**Travis County.**

Brooks, S. Raymond.....Austin  
 Edmonson, Miss Mamie.....Austin  
 Free, Clara.....Austin  
 Heierman, Lillian F.....Austin  
 McCall, John D.....Austin  
 Small, Grace.....Austin  
 Roberdeau, Ethel Wood.....Austin  
 Williamson, E. B.....Austin  
 Bramlette, Alta.....Austin  
 Richardson, B. F.....Austin

**Williamson County.**

Griffith, C. S.....Taylor  
 Moody, Dan.....Taylor  
 Thompson, B. B.....Bartlett  
 Wright, E. B.....Taylor  
 Kramer, Chales.....Florence

**TWENTY-FIRST DISTRICT.****Guadalupe County.**

Abbott, Julius M.....Seguin

**Hays County.**

Colbert, W. B.....San Marcos

**TWENTY-SECOND DISTRICT.****Aransas County.**

W. C. Horger.....Charlotte

**Atascosa County.**

Sorenson, A.....Rockport

**DeWitt County.**

Crain, N. M.....Cuero  
 Hartman, A. C.....Cuero  
 McMahon, R. B.....Cuero

**Live Oak County.**

Range, Max.....Clareville  
 Brown, Ben S.....George West

**Victoria County.**

Doughty, Mamie James.....Victoria

**Wilson County.**

King, James A.....Floresville

**TWENTY-THIRD DISTRICT.****Cameron County.**

Welch, L. R.....San Benito

**Duval County.**

Gonzalez, R. M.....San Diego

**Jim Wells County.**

Floyd, Jacob S.,.....Alice

**Nueces County.**

Ganger, Henry E.....Robstown  
 Leahy, M. H.....Corpus Christi

**Sán Patricio County.**

Burnham, C. F.....Sinton  
 Byers, Joseph H.....Laredo

**TWENTY-FOURTH DISTRICT.****Bexar County.**

Anderson, Douglas.....San Antonio  
 Avery, Miss Doris.....San Antonio  
 Burges, John Jefferson.....San Antonio  
 Bell, A. J.....San Antonio  
 Blackwell, J. F.,.....San Antonio  
 Churchill, Miss Jordie.....San Antonio  
 Doughty, Leonard.....San Antonio  
 Dilworth, Andrew.....San Antonio  
 Furman, Winona.....San Antonio  
 Goeth, C. A.....San Antonio  
 Goeth, Fred C.....San Antonio  
 Haecker, F. A.....San Antonio  
 Haines, L. B.....San Antonio  
 Hargrove, Mrs. Grace.....San Antonio  
 Jones, Atlas.....San Antonio  
 Jaggi, F. J.....San Antonio  
 Lucchese, Miss Rosie.....San Antonio  
 Lytle, Nelson.....San Antonio  
 Musa, Humbert.....San Antonio  
 Mabry, J. B.....San Antonio  
 Needham, Ed T.....San Antonio  
 Rhodiue, H. U.....San Antonio  
 Reed, J. M.....San Antonio  
 Smith, Mrs. Adele W.....San Antonio  
 Sturges, Mrs. Madeline.....San Antonio  
 Utley, W.....San Antonio  
 Wren, C. M.....San Antonio  
 White, Louise.....San Antonio  
 White, Annie L.....San Antonio  
 Walker, E. F.....San Antonio  
 Wimmer, Mrs. Etholen.....San Antonio  
 Witzeman, Miss Clara.....San Antonio

**Gillespie County.**

Wieser, J. B.....Fredericksburg

**TWENTY-FIFTH DISTRICT.****El Paso County.**

McDaniel, F. L.,.....El Paso  
 Clunn, Harry G.,.....El Paso  
 Williams, P. W.,.....El Paso  
 Mason, Hope,.....El Paso  
 Larrazola, J. B., Jr.,.....El Paso

Wood, M. W.,.....El Paso  
 Scott, Walter W.,.....El Paso  
 Hubbard, Joel D.,.....El Paso  
 Miller, Harry C.,.....El Paso  
 Clark, J. C.,.....El Paso  
 Taylor, H. B.,.....El Paso

**Tom Green County.**

Bass, Mr. S. H.,.....San Angelo  
 Gallemore, T. E.,.....San Angelo  
 Gibson, Oba.,.....San Angelo  
 Wear, Fred.,.....San Angelo

**Hudspeth County.**

Simman, E. R.,.....Sierra Blanca  
 Cammack, Virgil E.,.....Sierra Blanca  
 Smith, James T.,.....Fort Hancock  
 Knight, J. B.,.....Allamore  
 Elliott, A. B.,.....Allamore  
 Millican, L. R.,.....Allamore  
 Cammack, V. A.,.....Sierra Blanca

**Menard County.**

Torbett, Miss Yvonne,.....Menard

**Culberson County.**

Daugherty, W. A.,.....Van Horn

**Brewster County.**

Martin, I. L., Jr.,.....Alpine

**Presidio County.**

Fuller, J. C.,.....Marfa

**TWENTY-SIXTH DISTRICT.**

**Brown County.**

French, Mr. Jno. H.,.....Brownwood

**Concho County.**

Seaberry, V. T.,.....Paint Rock

**Coleman County.**

Bush, J. G.,.....Novice

**Mills County.**

Peck, J. E.,.....Star

**San Saba County.**

Ellis, W. N.,.....San Saba

**TWENTY-SEVENTH DISTRICT.**

**Coryell County.**

Dickerson, Wisteria (Miss),.....  
 .....The Grove

**Bell County.**

McBryde, Claude,.....Youngsfort  
 Mathis, Minnie J., (Miss).....Temple  
 Pyle, O. P.,.....Belton

**Hamilton County.**

Morris, L. A.,.....Hamilton

**TWENTY-EIGHTH DISTRICT.**

**Gaines County.**

Morgan, Margurite,.....Seminole

**Haskell County.**

Bryant, Bruce W.,.....Haskell

**Howard County.**

Pierce, Maude,.....Big Springs

**Scurry County.**

Watts, Bertha,.....Snyder

**Stonewall County.**

Fillingham, H. P.,.....Aspermont

**Nolan County.**

McAdams, R. K.,.....Sweetwater  
 Payne, Clyde B.,.....Sweetwater  
 Howe, Miss Molly,.....Sweetwater

**TWENTY-NINTH DISTRICT.**

**Clay County.**

Holaday, Frank,.....Byers  
 Yarbrough, A. P.,.....Byers

**Collingsworth County.**

Templeton, Cleo,.....Wellington

**Crosby County.**

Howard, A. H.,.....Crosbyton

**Dallam County.**

Coe, J. B.,.....Dalhart

**Deaf Smith County.**

McCutchen, F. U.,.....Hereford

**Donley County.**

Sherman, Jim.....Clarendon

**Gray County.**

Glass, J. B.,.....McLean

Veach, D. B.,.....McLean

**Hall County.**

Garner, L. M.,.....Lakeview

Henson, Earnest N.,.....Memphis

Watson, J. P.,.....Memphis

**Hemphill County.**

Dial, Nancy Jane,.....Canadian

**Knox County.**

Gillette, W. W.,.....Benjamin

**Motley County.**

Dalton, Parke,.....Matador

**Ochiltree County.**

Hill, Fred,.....Ochiltree

**Potter County.**

Dunnigan, Mrs. Anna B.,...Amarillo

**Randall County.**

Henson, A. N.,.....Canyon

Vansant, J. M.,.....Canyon

**Swisher County.**

Porter, E. E.,.....Tulia

**Wichita County.**

Gray, J. W.,.....Wichita Falls

Shepperd, C. R.,.....Burkburnett

Taylor, Miss Bessie...Wichita Falls

**Wilbarger County.**

Strickland, W. F.,.....Harrold

**THIRTIETH DISTRICT.****Tarrant County.**

Bell, Ruth.....Fort Worth

Blevins, O. M.,.....Fort Worth

Clay, James A.,.....Fort Worth

Conn, G. B.,.....Handley

Conn, W. E.,.....Fort Worth

Cronkrite, L. L.,.....Fort Worth

Duke, George W.,.....Newark

Francis, Chas. I.,.....Fort Worth

Hutton, Nellie.....Fort Worth

Ledlie, Oma Q.,.....Fort Worth

McCramer, G. L.,.....Fort Worth

Morris, John S.,.....Fort Worth

Pennock, G. B.,.....Fort Worth

Paige, Carrie V.,.....Fort Worth

Ross, William H., Jr.,...Fort Worth

Rouer, P. H.,.....Fort Worth

Shannon, Myra.....Fort Worth

Shepherd, J.,.....Fort Worth

Whitly, Minnie.....Fort Worth

Williams, Lillie.....Fort Worth

Wilson, William L.,...Fort Worth

**Parker County.**

Baker, John F.,.....Weatherford

**Hood County.**

Mulkey, R. C.,.....Paluxy

**THIRTY-FIRST DISTRICT.****Denton County.**

Elbert O. L.,.....Denton

**Montague County.**

Martin, Dan L.,.....Montague

Watson, J. C.,.....Sunset

**In the Senate.**

(President (Pro. Tem. Johnson in the chair.)

**At Ease.**

By unanimous consent, and on request of Senator McNealus, the Senate stood at ease subject to the call of the Chair.

**In the Senate.**

The Senate was called to order by President Pro Tem. Johnson at 11:30 o'clock.

**House Bill No. 64.**

Senator Strickland asked unanimous consent to take up House Bill No. 64, a special road law for Trinity County.

Senator Clark objected and made the point of order that all House bills on the President's table had already been postponed indefinitely. The point of order was sustained and the bill was not laid before the Senate.

**Recess.**

At 11:50 o'clock a. m. Senator McNealus moved that the Senate recess until 2 o'clock today.

The motion prevailed.

**After Recess.**

(Afternoon Session.)

The Senate was called to order at 2 o'clock by President Pro Tem. Johnson.

**Bills Signed.**

The Chair (President Pro Tem. Johnson) gave notice of signing and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 27, A bill to be entitled "An Act to prohibit the bringing of suits in this State to collect delinquent taxes until on and after the 31st day of January, A. D. 1919, and to continue all such suits now pending until such time, and declaring an emergency."

H. B. No. 25, A bill to be entitled "An Act to amend Article 5692, Revised Civil Statutes of Texas, as adopted in 1911, providing that actions for specific performance shall be filed within two years, and declaring an emergency."

H. B. No. 44, A bill to be entitled "An Act concerning impeachment of officers; providing what officers, agents and employes may be impeached by the House of Representatives and tried thereon by the Senate; providing for the convening of the House and Senate for such purposes, and declaring an emergency."

H. B. No. 48, A bill to be entitled "An Act to create a more efficient road system for Red River County, Texas; making the county commissioners ex officio road commissioners, and providing for their compensation and defining their powers and duties; providing for the working of hands on the public roads who fail to pay road tax as provided for; providing for the working of roads by contract, if the court so determines; providing for county road superintendent, if the court in its discretion thinks it proper; providing for the collection and disbursement of certain moneys and the payment of fees for special

services by certain county officials; providing for penalties for the enforcement of the provisions of this Act; declaring its provisions are supplemental to all general laws of the State on the subject and especially declaring that its provisions shall not conflict with any of the provisions of Chapter 31 of the Local and Special Laws of the Thirty-fourth Legislature, and found on page 91 et seq., of the printed acts thereof."

H. B. No. 24, A bill to be entitled "An Act to amend Article 6233, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 62, General Laws of the Thirty-third Legislature, and Chapters 26 and 99, General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Madison County, and declaring an emergency."

H. B. No. 22, A bill to be entitled "An Act making additional appropriations for the support of the State government for two years, beginning September 1, 1917, and ending August 31, 1919, as follows, to wit: For the salaries of special district judges, for fees of clerks in felony cases, for the salary of Assistant Adjutant General and the quartermaster of the Adjutant General's Department, for the salary of the chief inspector of nurseries, and other specified items for the Department of Agriculture, for the salary of the State Revenue Agent, for the salary of the chief deputy of the Game, Fish and Oyster Commissioner's Department, for the salary of the bacteriologist of the State Health Department, for the salary of the Commissioner of Labor, for the salaries of four inspectors in the Labor Department, for the salaries of two chemists in the Pure Food Department, for the salaries of two inspectors in the Pure Food Department, for the salaries and expenses for collecting fees under the Pure Food Laws, for stamps to be used in the collection of fees in the Pure Food Department, for the salary of the Superintendent of the State Orphans' Home, for the salaries of twelve non-graduate nurses for the first year at tuberculosis sanatorium, for salaries of three

assistants to the Inspector of Masonry and for material tests and analysis, long distance telephone, telegraph, express and freight charges and incidentals and traveling expenses for the Department of Inspector of Masonry, salary of one additional clerk to the State Treasury Department, and to pay miscellaneous claims and for other purposes; prescribing certain regulations and restrictions in respect thereto; repealing parts of laws heretofore passed making appropriations for the particular items named in this bill, and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act to amend Chapter 5 of the Acts of the First Called Session of the Thirty-fifth Legislature, being 'An Act making an appropriation of seven hundred and fifty thousand dollars or so much thereof as may be necessary out of the general revenue or any other available funds, for the purpose of providing for the pay, transportation, subsistence and all other expenses of the military forces of the State when ordered on duty or when mobilized or when recruiting and organizing troops or when ordered in other military duties,' etc., and declaring an emergency."

#### Notification Committees.

Senator Hudspeth moved that a committee of three each be appointed to notify the Governor and the House of Representatives that the Senate is ready to adjourn.

The motion was adopted and the Chair appointed the following committees:

To notify the Governor: Senators Suiter, Buchanan of Bell and Hudspeth.

To notify the House: Senators Smith, Page and Decherd.

#### House Notifies the Senate.

Here a committee from the House appeared at the bar of the Senate and notified the Senate that the House had completed its labors and was ready to adjourn.

The Senate received the message and thanked the committee.

#### Senate Notifies the Governor.

The committee to notify the Governor of the adjournment hour of the Senate reported that they had performed their duty and that the Governor extends his thanks to this body and expresses his best wishes for the welfare and happiness of each and every member of the Senate.

#### Senate Notifies the House.

The committee appointed to notify the House, here made report that their duty had been performed.

#### Sine Die Adjournment.

Senator McNealus at 2:30 o'clock p. m. moved that this the Third Called Session of the Thirty-fifth Legislature do now adjourn sine die.

The motion prevailed, and the Chair, President Pro Tempore Johnson, by virtue of the authority vested in him by the Constitution and as President Pro Tem. of the Senate, declared this Third Called Session of the Thirty-fifth Legislature adjourned without day.

#### APPENDIX.

##### Petitions and Memorials.

Senator McNealus offered the following letter which was read and ordered printed in the Journal:

Austin, Texas, Sept. 29, 1917.

To the Hon. W. A. Johnson, President Pro Tem. of the Senate, and to the Hon. F. O. Fuller, Speaker of the House of Representatives: Gentlemen:

I desire to express to the Thirty-fifth Legislature of the State of Texas my sincere thanks and inexpressible appreciation of the kindness shown me by having my name placed in the University appropriation bill for a position in public service, and the opportunity that will thereby be given me to enlarge my educational development. I hope to be able to practically show, more than I can express in words, that I am worthy of the confidence and the partiality shown me as here stated. My misfortune in losing my



right arm, in the service of one of the State Institutions is largely compensated to me by the kindness and courtesy shown me by the Legislature since I have been an employe of the State Senate. As already stated, I shall try by my actions, more than by any words I can command, to impress upon, not only their legislative representatives, but the people of Texas, the gratitude that I feel for the kindness shown me.

Most respectfully,  
LAVENIA HARVILL.

#### Committee Reports.

(Majority Report.)

Committee Room.  
Austin, Texas, Sept. 29, 1917.  
Hon. W. L. Dean, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 62, A bill to be entitled "An Act to amend Section 7 of Chapter 36, Acts of the First-Called Session of the Thirty-fifth Legislature approved May 25, 1917, entitled 'An Act to provide for the organization of a Ranger Home Guard, reducing the appropriation, and declaring an emergency,'"

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass, a minority report being made in its favor.

HUDSPETH, Chairman.

(Minority Report.)

Senate Chamber.  
Austin, Texas, Sept. 29, 1917.  
Hon. W. L. Dean, President of the Senate.

Sir: We, a minority of your Committee on Finance, to whom was referred

H. B. No. 62, being an Act to amend Section 7, of Chapter 36, Acts of the First Called Session of the Thirty-fifth Legislature, approved May 25, 1917, entitled 'An Act to provide for the organization of a Ranger Home Guard, reducing the appropriation, and declaring an emergency,'"

Have had the same under consideration and beg leave to make this our minority report back to the Senate with the recommendation that it do pass.

JOHNSON,  
WOODWARD.  
WESTBROOK.

#### Enrolling Committee Reports.

Committee Room.  
Austin, Texas, Sept. 29, 1917.  
Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 27, copy of which accompanies this report, and find the same correctly enrolled and have this day at 11:10 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Bailey. S. B. No. 27.

An Act to prohibit the bringing of suits in this State to collect delinquent taxes levied for the year 1917 until after January 31, A. D. 1919, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No suit shall be brought for the collection of taxes levied for the year 1917 and which may become delinquent, until after the 31st day of January, A. D. 1919.

Sec. 2. The fact that there has prevailed throughout a greater portion of the State a drouth of unprecedented severity, entailing great hardships on many thousands of citizens of this State to such an extent that many thousands are unable to pay their taxes, and the fact that this is a called session of the Legislature and must end within a very few days, creates an emergency and an imperative public necessity which requires that the constitutional rule, providing that bills be read on three several days, be suspended, and said rule is hereby suspended, and that this Act take effect, and be in force, from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, Sept. 29, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 38, copy of which accompanies this report, and find the same correctly enrolled and have this day at 9:50 o'clock a. m., presented same to the Governor for his approval.

SMITH, Chairman.

By McNealus.

S. B. No. 38.

An Act to amend Article 598 of Chapter 7, Title XI of the Revised Penal Code of the State of Texas, and Article 5716, Title 88 of the Revised Civil Statutes of the State of Texas so as to permit the sale in any county or subdivision thereof, or in any city or town in which the sale of intoxicating liquor has been prohibited; of wines for sacramental purposes, and of alcoholic stimulants for medicinal purposes, and so as to permit the sale of ethyl alcohol by wholesale druggists; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 598 of Chapter 7, Title XI of the Revised Penal Code of the State of Texas, and Article 5716, Title 88 of the Revised Civil Statutes of the State of Texas be amended so that each of said articles shall hereafter read as follows:

"The preceding article shall not apply to the sale of wines for sacramental purposes, nor to alcoholic stimulants as medicines in cases of actual sickness, but each stimulant shall only be sold upon the prescription of a regular practicing physician, dated and signed by him and certified on his honor that he (the physician) has personally examined the applicant (naming him), and that he finds him actually sick and in need of a stimulant prescribed as a medicine; provided that a physician who does not follow the profession of medicine as his principal or usual calling, or who is in any way, directly or indirectly, engaged in the sale of such stimulants on his

own account or as the agent, employe, or partner of others, shall not be authorized to give the prescription provided for in this article; and provided, further, that no person shall be permitted to sell more than once on the same prescription, nor upon a prescription which has been cancelled, nor on a prescription which is, not dated, signed and certified, as above required; provided, that every person selling such stimulants upon the prescription herein provided for shall cancel such prescription by indorsing on it the word "canceled," and file the same away and on the the first day of July 1903, and every month thereafter, file the said prescription with the clerk of the district court, accompanied by an affidavit stating that he has sold no intoxicating liquor other than that named in the prescription filed, which said prescription shall be preserved by the clerk of the district court for a period of three years from and after the date of filing, subject to the inspection of the grand jury, district, county or precinct officers. Provided further that the preceding article shall not apply to the sale of ethyl alcohol in quantities of one gallon or more by any person, firm or corporation engaged in the wholesale drug business to any owner, proprietor, agent or employe of any retail drug store, whether incorporated or unincorporated, in which drugs are compounded, and employing a registered pharmacist, for the purpose of being used in such retail drug business; provided further, that every such person, firm or corporation shall have first paid the taxes and procured a license as required by Article 7475 of the Revised Civil Statutes of Texas, and have complied with all the provisions of the law regulating such sales in local option territory.

Sec. 2. The fact that under existing laws it is impossible for retail druggists in local option districts to purchase ethyl alcohol to be used in the preparation and preservation of various medicines creates an imperative public necessity that this Act become effective immediately after its passage, therefore, the constitutional rule requiring bills to be read on three several days in each house is suspended,

and that this act shall take effect from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, Sept. 29, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 39, copy of which accompanies this report, and find the same correctly enrolled and have this day at 9:50 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By McNealus.

S. B. No. 39.

An Act to amend Sections 6 and 7 of Chapter 31, of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas, which Act was entitled "Intoxicating liquors—prohibiting the shipment of the same, into prohibition territories; prohibiting any person, firm or corporation from soliciting or taking orders in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote prohibited the sale of intoxicating liquors; providing, however, that nothing in said Act shall make it unlawful for any person, firm or corporation licensed under the laws of the State of Texas to sell ethyl alcohol to the owner, proprietor, agent of employe of retail stores, to take orders for ethyl alcohol when such sales are made in compliance with the laws of this State and providing that it shall not be unlawful for intoxicating liquors to be received for the use of his, their, or its business only, by any drug stores in which drugs are compounded and employing a registered pharmacist, or by any educational or eleemosynary institution, or by any public or private hospital, or by any manufacturer or the owner or proprietor of any manufacturing establishment, or by any person, firm or corporation engaged in the wholesale drug business; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Sections 6 and 7 of Chapter 31 of the Acts of the First Called Session of the Thirty-third Legislature of the State of Texas be and the same are hereby amended to read as follows:

Sec. 6. It shall be unlawful for any person, firm or corporation in person, by letter, circular or other printed or written matter, or in any other manner to solicit or take orders for any intoxicating liquors in any county, justice precinct, town, city or other subdivision of a county where the qualified voters thereof have by a majority vote determined that the sale of intoxicating liquors shall be prohibited therein; provided that nothing in this Act shall make it unlawful for any person, firm or corporation licensed under the laws of the State of Texas to sell ethyl alcohol to the owner, proprietor or some agent of his or its who may be by him or it appointed by power of attorney duly executed by him or it in the manner prescribed by law for the execution of deeds, and filed with the county clerk of such county to make such purchases, to take orders for ethyl alcohol when such sales are made in compliance with the laws of this State.

Sec. 7. Before any person, firm or corporation engaged in the retail drug business shall make any purchases of alcohol from any wholesale druggist, said retail druggist shall designate by written power of attorney executed in such manner as prescribed by law for the execution of deeds and filed with the county clerk of such county, some person who is exclusively authorized to make such purchases, and such druggist shall make no purchases of alcohol except by such designated person and any wholesale druggist who shall make any sale to any other person than such person as may be designated to make purchases for retail druggists shall be punished as prescribed by law; provided further that the order for the same shall be accompanied with an affidavit showing that the person ordering or receiving same is entitled to receive the same under the provisions of this Section; in which said affidavit the fact shall be

stated as to the status of the person so ordering or receiving the same, and the quantity of alcohol so ordered and an original of such affidavit at the time of the making of such order shall be filed with the clerk of the district court of the county where such intoxicating liquor is to be delivered.

Sec. 2. The fact that under existing laws it is impossible for retail druggists in local option districts to purchase ethyl alcohol to be used in the preparation and preservation of various medicines, creates an imperative public necessity that this Act become effective immediately after its passage, therefore the constitutional rule requiring bills to be read three several days in each house be suspended and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,  
Austin, Texas, Sept. 29, 1917.

Hon. W. L. Dean, President of the Senate.

Sir: Your Committee on Enrolled Bills beg leave to report that we have carefully compared Senate Bill No. 40, copy of which accompanies this report, and find the same correctly enrolled, and have this day at 9:50 o'clock a. m. presented same to the Governor for his approval.

SMITH, Chairman.

By McNealus.

S. B. No. 40.

Act to amend Chapter 6 of Title 126 of the Revised Civil Statutes of the State of Texas, which chapter provided for a tax on intoxicating liquors in local option territory, so as to add thereto Article 7475a, which added article provided that the preceding articles of said chapter shall not apply to the sales of ethyl alcohol in quantities of one gallon or more by persons, firms or corporations engaged in the wholesale drug business to any owner, proprietor, agent or employe of any retail drug store in which drugs or compounded and employing a registered pharmacist, where such sales are made for the purpose of being used in said retail drug business, and levying a tax and providing for the procuring of a license by such person, firm or corporation engaged in the wholesale drug

business and located within any territory where local option is in force, before making such sales, and providing regulations for the issuance of such licenses; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 6 of Title 126 of the Revised Civil Statutes of the State of Texas be and the same are hereby amended by adding thereto Article 7475a, as follows:

Article 7475a. There is hereby levied upon every person, firm and corporation engaged in the wholesale drug business and located within a county, subdivision of a county, justice's precinct, city or town in which local option is in force and selling ethyl alcohol to the retail trade as provided in Article 598 of the Revised Penal Code of the State of Texas and Article 5716 of the Revised Civil Statutes of the State of Texas as such articles have been amended by the Act of the Third Called Session of the Thirty-fifth Legislature, an annual tax of \$375 and the commissioners court of the several counties in this State shall have the power to levy and collect from every such person, firm or corporation a tax equal to one-half of the State tax herein levied; and where any such business is located in any incorporated city or town such city or town shall have the power to levy and collect a tax upon such business equal to that levied by the commissioners court of the county in which city or town is situated. Before any such person, firm or corporation shall make any sale or sales of ethyl alcohol as above provided, he, they or it shall pay the tax or taxes lawfully levied under the provisions of this article; and shall procure from the county clerk of the county where such business is located a license which shall be dated as of the date of issuance and which shall authorize such person, firm or corporation to sell ethyl alcohol to the retail drug trade for use in their business, in quantities of one gallon or more, at the place set forth in the application for such license. Before any such license shall be issued the applicant shall file with the county clerk a written application therefor, verified by affidavit, which application shall set forth the name of the person, firm or corporation desiring



to engage in such business, and an accurate statement as to the location where such business is conducted, and shall state that such applicant has been regularly engaged in the wholesale drug business in the county in which such application is filed, for a period of at least three months prior to the making of such application; and shall describe with sufficient certainty to identify it, the location where such business has been carried on during such preceding three months; and shall state that the value of the average amount of ethyl alcohol carried in stock by such applicant does not and will not exceed 5 per cent of the reasonable market value of the entire stock of goods carried in stock or used in the business of such applicant. If such application shall be made by any firm it shall state the names of each member of the firm and shall be verified by the affidavit of at least one member thereof. If such application be made by a corporation it shall set forth the names of the president and secretary, and shall be verified by affidavits of such president or secretary. No license shall be granted for a longer or shorter period than one year, and such license together with the occupation tax receipts together with internal revenue receipt issued by the United States shall be posted by the licensee in a conspicuous place in his or their place of business. For issuing the license herein provided for the county clerk shall be entitled to charge a fee of 25 cents for each license. Providing that each owner, proprietor or manager of a drug store desiring to order any ethyl alcohol

from any wholesale drug store or company shall file with said drug store or company a list of its employes or agents to whom such alcohol shall be delivered upon order; and provided further that if the owner, proprietor or manager of such wholesale drug store or company shall sell or deliver any ethyl alcohol to any person other than to such owner, proprietor or manager of such retail drug store or to some person whose name shall be on file with such wholesale drug store as the employe or agent of such retail drug store and upon written order from such owner, proprietor or manager of such retail drug store that the bearer is the agent or employe of such retail drug store owner, he shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment.

Sec. 2. The fact that there are many wholesale drug stores and retail drug stores in local option districts of this State that are required to pay a heavy tax in order to furnish the needs of the sick in Texas, and that this tax is necessarily added to the consumers throughout such local option districts, creates a public necessity that the Act become effective immediately after its passage; therefore the constitutional rule requiring bills to be read on three several days in each house is suspended, and that this Act take effect from and after its passage, and it is so enacted.